

By: _____



H.B. No. 1848

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain combative sports activities;
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended
by amending Subdivisions (4), (6), and (15) to read as follows:

(4) "Executive director" [~~"Commissioner"~~] means the
executive director of the department or the executive director's
~~[commissioner of licensing and regulation or the commissioner's]~~
designated representative.

(6) "Elimination tournament" means a boxing contest in
which ~~[elimination tournament]~~ contestants compete in a series of
matches until not more than one contestant remains in any weight
category. The term does not include a boxing event described by
Section 2052.110.

(15) "Ringside physician" means an individual
licensed to practice medicine in this state who is registered with
the department. [~~"Regional tournament" means an elimination~~
~~tournament in which a contestant from outside of the immediate area~~
~~in which the tournament is conducted may compete against local~~
~~contestants.~~]

SECTION 2. Section 2052.052, Occupations Code, is amended
to read as follows:

Sec. 2052.052. RULES. (a) The executive director

1 ~~[commissioner]~~ shall adopt reasonable and necessary rules to
2 administer this chapter.

3 (b) The executive director ~~[commissioner]~~ may adopt rules:

4 (1) governing professional kickboxing contests and
5 exhibitions; ~~[and]~~

6 (2) establishing reasonable qualifications for an
7 applicant seeking a license from the department under this chapter;

8 (3) recognizing a sanction, medical suspension, or
9 disqualification of a license holder that is imposed by a combative
10 sports regulatory authority in any state;

11 (4) establishing practice requirements or specialty
12 certifications that a person licensed to practice medicine must
13 meet to be eligible to register as a ringside physician under this
14 chapter;

15 (5) requiring each contestant to present to the
16 executive director on weigh-in an original copy of timely blood
17 test results that demonstrates that the contestant is free from any
18 communicable disease and establishing that failure to provide those
19 blood test results disqualifies the contestant;

20 (6) requiring each contestant to undergo a physical
21 examination, including an ophthalmological examination at or near
22 the time of weigh-in and providing for the disqualification of a
23 contestant who is determined to be unfit based on the physical
24 examination; and

25 (7) establishing reasonable responsibilities for
26 boxing and wrestling promoters.

27 SECTION 3. Section 2052.053, Occupations Code, is amended

1 to read as follows:

2 Sec. 2052.053. INVESTIGATIVE AUTHORITY. (a) The executive
3 director [~~commissioner~~] shall investigate allegations of activity
4 that may violate this chapter.

5 (b) The executive director [~~commissioner~~] may enter, at a
6 reasonable time, a place of business or an establishment in which
7 activity alleged to violate this chapter may occur. The executive
8 director [~~commissioner~~] is not required to give advance notice
9 before entering.

10 SECTION 4. Section 2052.054(a), Occupations Code, is
11 amended to read as follows:

12 (a) The executive director [~~commissioner~~] may recognize,
13 prepare, or administer continuing education programs for persons
14 licensed under this chapter.

15 SECTION 5. Subchapter B, Chapter 2052, Occupations Code, is
16 amended by adding Section 2052.055 to read as follows:

17 Sec. 2052.055. MEDICAL ADVISORY COMMITTEE AUTHORIZED. (a)
18 The executive director may appoint a medical advisory committee to
19 advise the department concerning health issues regarding boxing
20 event contestants.

21 (b) If the executive director elects to establish a medical
22 advisory committee, the executive director by rule shall establish:

23 (1) the number of members composing the advisory
24 committee;

25 (2) qualifications for appointment to the advisory
26 committee; and

27 (3) the duties of the advisory committee.

1 SECTION 6. Section 2052.102, Occupations Code, is amended
2 to read as follows:

3 Sec. 2052.102. BOXING PROMOTER LICENSE APPLICATION
4 REQUIREMENTS. (a) An applicant for a boxing promoter's license
5 under this chapter must apply on a form furnished by the executive
6 director [~~commissioner~~].

7 (b) An application must be accompanied by:

8 (1) a license fee in an amount set by the commission;
9 and

10 (2) a surety bond:

11 (A) subject to approval by the executive director
12 [~~commissioner~~]; and

13 (B) conditioned on the applicant's payment of the
14 tax imposed under Section 2052.151.

15 (c) The executive director [~~commissioner~~] shall establish
16 the amount of the surety bond required under Subsection (b). The
17 bond amount may not be less than \$300.

18 SECTION 7. Section 2052.107, Occupations Code, is amended
19 to read as follows:

20 Sec. 2052.107. OTHER BOXING REQUIREMENTS [~~LICENSES~~].
21 Unless a person holds a license or registration issued under this
22 chapter, the person may not act as a:

23 (1) professional boxer;

24 (2) manager of a professional boxer;

25 (3) referee;

26 (4) judge;

27 (5) second;

- 1 (6) timekeeper; ~~[or]~~
2 (7) matchmaker; or
3 (8) ringside physician.

4 SECTION 8. Section 2052.108(a), Occupations Code, is
5 amended to read as follows:

6 (a) An application for a license under Section 2052.107 must
7 be made on a form furnished by the executive director
8 ~~[commissioner]~~.

9 SECTION 9. Section 2052.110, Occupations Code, is amended
10 to read as follows:

11 Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. The
12 licensing and bonding requirements of this subchapter do not apply
13 to:

14 (1) a boxing event in which the participants do not
15 receive a money remuneration, purse, or prize for their
16 performances or services if the event is promoted, conducted, or
17 maintained by:

- 18 (A) an educational institution;
19 (B) a law enforcement organization;
20 (C) a Texas National Guard Unit; or
21 (D) an amateur athletic organization recognized
22 by the executive director ~~[commissioner]~~;

23 (2) an event conducted by a nonprofit amateur athletic
24 association chartered under the law of this state, including a
25 membership club affiliated with the association located within this
26 state and recognized by the executive director ~~[commissioner]~~;

27 (3) an event conducted by a college, school, or

1 university that is part of the institution's athletic program in
2 which only students of different educational institutions
3 participate; ~~or~~

4 (4) an event in which only members of a troop, battery,
5 company, or unit of the Texas National Guard or a law enforcement
6 agency participate; or

7 (5) an event conducted by an organization of the
8 Olympic Games, the Paralympic Games, or the Pan-American Games.

9 SECTION 10. Section 2052.111, Occupations Code, is amended
10 to read as follows:

11 Sec. 2052.111. DENIAL OF APPLICATION. The executive
12 director ~~[commissioner]~~ may deny an application for a license if:

13 (1) the applicant does not meet the qualifications for
14 the license; or

15 (2) after conducting an investigation and a hearing,
16 the executive director ~~[commissioner]~~ determines that the
17 applicant has violated this chapter or a rule adopted under this
18 chapter.

19 SECTION 11. Section 2052.112, Occupations Code, is amended
20 to read as follows:

21 Sec. 2052.112. RECIPROCITY AGREEMENT. The executive
22 director ~~[commissioner]~~ may waive a license requirement under this
23 subchapter if the applicant holds a license issued by another state
24 that has a reciprocity agreement with this state.

25 SECTION 12. Subchapter C, Chapter 2052, Occupations Code,
26 is amended by adding Sections 2052.114, 2052.115, and 2052.116 to
27 read as follows:

1 Sec. 2052.114. TERM; RENEWAL. (a) A license,
2 registration, or permit issued under this chapter is valid until
3 the first anniversary of the date of issuance.

4 (b) The holder of a license, registration, or permit issued
5 under this chapter may renew the license, registration, or permit
6 by paying the renewal fee and complying with other renewal
7 requirements as prescribed by department rule before the expiration
8 date. The department shall issue a renewal certificate to the
9 holder at the time of renewal.

10 Sec. 2052.115. PROMOTER RESPONSIBILITIES. For each
11 promoted event, a promoter shall:

12 (1) ensure that each contestant scheduled to
13 participate in the event is appropriately licensed at least 72
14 hours before the event is scheduled to begin;

15 (2) ensure that an ambulance, serviced by at least two
16 emergency medical technicians, is on the premises of the promoted
17 event;

18 (3) ensure that each contestant has submitted to the
19 required physical examination in compliance with rules adopted
20 under this chapter; and

21 (4) comply with any other applicable rules adopted by
22 the executive director or the commission.

23 Sec. 2052.116. RIGHT TO HEARING. If an applicant for a
24 license is denied a license based on a sanction, medical
25 suspension, or disqualification imposed on the applicant by a
26 combative sports regulatory authority in another state, the
27 applicant is entitled to a hearing as prescribed by rules adopted

1 under this chapter.

2 SECTION 13. Section 2052.151(a), Occupations Code, is
3 amended to read as follows:

4 (a) A tax is imposed on a person who:

5 (1) conducts a boxing event [~~, including an elimination~~
6 ~~tournament,~~] in which a fee is charged for admission to the event;

7 (2) exhibits in this state a simultaneous telecast of
8 a live, spontaneous, or current boxing event on a closed circuit
9 telecast, in which a fee is charged for admission to the telecast;
10 or

11 (3) conducts or sponsors an amateur boxing event,
12 other than an event exempt from licensing under Section
13 2052.110(2), (3), [~~or~~] (4), or (5), in which a fee is charged for
14 admission to the event.

15 SECTION 14. Section 2052.152(a), Occupations Code, is
16 amended to read as follows:

17 (a) A person on whom a tax is imposed under Section
18 2052.151, not later than 72 hours after the end of the event or
19 telecast for which the tax is due, shall submit to the department a
20 verified report on a form furnished by the department stating:

21 (1) the number of tickets sold to the event;

22 (2) the ticket prices charged; [~~and~~]

23 (3) the gross price charged for the sale or lease of
24 broadcasting, television, and motion picture rights without
25 deductions for commissions, brokerage fees, distribution fees,
26 advertising, or other expenses or charges; and

27 (4) the amount of gross receipts obtained from the

1 event.

2 SECTION 15. Section 2052.251, Occupations Code, is amended
3 to read as follows:

4 Sec. 2052.251. BOXING GLOVES. A boxing event contestant[
5 ~~other than an elimination tournament contestant under Subchapter~~
6 ~~E~~] shall wear eight-ounce boxing gloves, unless the executive
7 director [~~commissioner~~] by rule requires or permits a contestant to
8 wear heavier gloves.

9 SECTION 16. Sections 2052.252(a), (b), and (e), Occupations
10 Code, are amended to read as follows:

11 (a) This section applies to an amateur boxing event, other
12 than events exempted under Section 2052.110(2), (3), (4), or (5)
13 [~~an elimination tournament subject to Subchapter E~~], in which a fee
14 is charged for admission to the event.

15 (b) The event may take place only if the executive director
16 [~~commissioner~~] approves the event not later than seven days before
17 the date the event begins.

18 (e) The event is subject to the supervision of the executive
19 director [~~commissioner~~].

20 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,
21 is amended by adding Section 2052.254 to read as follows:

22 Sec. 2052.254. ELIMINATION TOURNAMENTS PROHIBITED. An
23 elimination tournament may not be conducted in this state.

24 SECTION 18. The heading to Subchapter G, Chapter 2052,
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER G. DISCIPLINARY PROCEDURES; PENALTIES [~~CRIMINAL~~
27 ~~OFFENSE~~]

1 SECTION 19. Section 2052.301, Occupations Code, is amended
2 to read as follows:

3 Sec. 2052.301. ADMINISTRATIVE PENALTIES; SANCTIONS
4 [REVOCAION AND SUSPENSION OF LICENSE OR PERMIT]. On a
5 determination of a violation of [The commissioner may revoke or
6 suspend the license or permit of a license or permit holder under
7 this chapter for violating] this chapter, [or] a rule adopted under
8 this chapter, or a rule adopted under Chapter 51, the executive
9 director or commission may impose:

10 (1) an administrative penalty under Subchapter F,
11 Chapter 51; or

12 (2) an administrative sanction under Subchapter G,
13 Chapter 51.

14 SECTION 20. Subchapter G, Chapter 2052, Occupations Code,
15 is amended by adding Section 2052.3015 to read as follows:

16 Sec. 2052.3015. PROMOTER PENALTY FOR LATE LICENSE. A
17 promoter who does not comply with Section 2052.115(1) in a timely
18 manner is subject to a penalty under this chapter for each
19 contestant who obtains a license less than 72 hours before an event
20 in which the contestant is scheduled to participate.

21 SECTION 21. Section 2052.302, Occupations Code, is amended
22 to read as follows:

23 Sec. 2052.302. WITHHOLDING OF PURSE; FORFEITURE OF PURSE;
24 HEARING. (a) The executive director [commissioner] may order a
25 promoter [boxer or manager] to surrender to the department any
26 [forfeit to this state a] purse or other funds payable to the holder
27 of a license or registration under this chapter if it appears more

1 likely than not that the holder has violated [~~in an amount of not~~
2 ~~more than \$1,000 for violating~~] this chapter or a rule adopted under
3 this chapter.

4 (b) The promoter shall deliver a purse or funds subject to
5 Subsection (a) to the executive director on demand. Not later than
6 the fifth business day before the scheduled date of the event, the
7 department shall send written notice to the promoter and any other
8 person from whom a sum was withheld stating the date of a hearing to
9 determine whether all or part of the purse or funds should be
10 forfeited to the state. The hearing must be scheduled for a date
11 not later than the 10th day after the date of the notice.

12 (c) Not later than the 10th day after the date of the
13 hearing, the executive director shall enter an order determining
14 whether all or part of the purse or funds are forfeited. The order
15 must include a statement of the findings of fact and the conclusions
16 of law on which the order is based.

17 (d) The department shall distribute any purse or funds not
18 forfeited to the persons who are entitled to receive them.

19 (e) Except as otherwise provided by this section, a
20 proceeding under this section is subject to the contested case
21 provisions of Chapter 2001, Government Code.

22 (f) A person aggrieved by an order entered under this
23 section may appeal the order to a district court in Travis County in
24 the manner provided by Chapter 2001, Government Code.

25 SECTION 22. Section 2052.304, Occupations Code, is amended
26 to read as follows:

27 Sec. 2052.304. PETITION FOR REVIEW. (a) A person may seek

1 review of a decision or an order of the executive director or
2 commission [~~commissioner~~] under this chapter by filing a petition
3 for review in a district court in Travis County [~~not later than the~~
4 ~~30th day after the date on which the decision or order of the~~
5 ~~commissioner is final if the person is:~~

6 [~~(1) a party to an administrative hearing in which the~~
7 ~~decision or order is issued, and~~

8 [~~(2) aggrieved by the decision or order~~].

9 (b) Chapter 2001, Government Code, applies to any
10 proceeding under this section [~~The filing of a petition for review~~
11 ~~under Subsection (a) does not stay the effect of the decision or~~
12 ~~order of the commissioner that is the subject of the petition].~~
13 [~~The commissioner or the district court in which the petition for~~
14 ~~review is filed may order a stay on appropriate terms.~~

15 [~~(c) If a stay is ordered under Subsection (b), a~~
16 ~~supersedeas bond is not required.~~]

17 SECTION 23. Section 2052.308, Occupations Code, is amended
18 to read as follows:

19 Sec. 2052.308. APPEAL. (a) The petitioner or executive
20 director [~~commissioner~~] may appeal a final judgment of a court
21 conducting a review under this subchapter in the same manner as a
22 civil action.

23 (b) The executive director [~~commissioner~~] is not required
24 to file an appeal bond.

25 SECTION 24. The following laws are repealed:

26 (1) Sections 2052.002(3), (7), (8), and (12),
27 Occupations Code;

1 (2) Sections 2052.103, 2052.104, 2052.154, 2052.305,
2 2052.306, and 2052.307, Occupations Code; and

3 (3) Subchapter E, Chapter 2052, Occupations Code.

4 SECTION 25. Section 2052.254, Occupations Code, as added
5 by this Act, applies to an elimination tournament scheduled to
6 occur on or after the effective date of this Act. An elimination
7 tournament scheduled to occur before that date is governed by the
8 law in effect on the date that the tournament was scheduled, and the
9 former law is continued in effect for that purpose.

10 SECTION 26. Section 2052.302, Occupations Code, as amended
11 by this Act, applies to a forfeiture imposed on or after the
12 effective date of this Act. A forfeiture imposed before that date
13 is governed by the law in effect on the date that the forfeiture was
14 ordered, and the former law is continued in effect for that purpose.

15 SECTION 27. This Act takes effect September 1, 2003.

H.B. No. 1848

A BILL TO BE ENTITLED
AN ACT

By 

relating to the regulation of certain combative sports activities; providing penalties.

MAR 06 2003

Filed with the Chief Clerk

MAR 11 2003

Read first time and referred to Committee on

Licensing & Administrative Procedures

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)